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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,315	10/11/2003	Danny Roberts	3002.001	3309

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ANDREA L. MAYS, Esq.
Law Office of Andrea L. Mays
Post Office Box 1337
Placitas, NM 87043-1337

EXAMINER

BENNETT, GEORGE B

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/684,315	ROBERTS, DANNY	
	Examiner	Art Unit	
	G. Bradley Bennett	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 NOV 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9, 10, 12-14 and 16-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dugan.

3. Dugan discloses the invention as claimed where: **1** is a main body component (claim 1); **3** is a main wheel (claim 1); **5** is a registering mechanism (claim 1); **10** is a lower body component (claim 1); **15** is a means for automatically moving the main body component **1** towards the lower body component **10** (claim 1); the means for moving is a spring (claim 2); wheels **14** are a line guide (claims 3 and 4); the method as claimed is performed during normal operation of the Dugan device as described in the specification (claims 9, 10 and 12-14); **13** is a wheel for contacting an elongate line (claim 16); **15** is a means for creating a spring-like force (claim 16); **5** is a means for registering length (claim 16); the means for creating a spring-like force is spring **15** (claim 17); **4** is a body component that is means for mounting the wheel (claims 18 and 19); wheels **14** are a line guide (claim 20); **10** is a lower body component (claim 21); the means for creating a spring-like force moves main body component towards lower body

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component (claim 22); and body components **1** and **10** are means for grasping the depthometer (claim 23).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8, 11 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunagin in view of Mason.

6. Dunagin discloses the device substantially as claimed. However, Dunagin does not disclose a handle as claimed. Mason discloses an outer handle **43**, **2** and an inner handle **44** that are effectively squeezed together for the purpose of moving a lower body part **45** relative to a main body part **10**. Furthermore, the outer handle of Mason is slidably engaged with the main body part **10** and connects to the lower body component **45**. Inner handle **44** is connected to the main body part as well. Therefore, it would have been obvious at the time the invention was made for one of ordinary skill in the art to use handles as taught by Mason in conjunction with the device of Dunagin for the purpose of manually controlling the relative position of the lower and main body parts of Dunagin.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunagin in view of Adamson et al.

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8. Dunagin discloses the device substantially as claimed. However, Dunagin does not disclose that the spring is a compressed spring allowed to expand as claimed.

Adamson et al. discloses a compressed spring **36** that is allowed to expand for the purpose of moving a lower body component towards a main body component.

Therefore, it would have been obvious at the time the invention was made for one of ordinary skill in the art to use the biasing spring as taught by Adamson et al. in conjunction with the device of Dunagin as an alternative means to bring the lower and main body parts of Dunagin towards one another.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunagin and Mason as applied to claim 29 above, and further in view of Adamson et al..

10. Dunagin and Mason disclose the device substantially as claimed. However, neither Dunagin nor Mason disclose a spring over a shaft as claimed. Adamson et al. discloses a compressed spring **36** over a shaft that is allowed to expand for the purpose of moving a lower body component towards a main body component. Therefore, it would have been obvious at the time the invention was made for one of ordinary skill in the art to use the biasing spring as taught by Adamson et al. in conjunction with the combination of Dunagin and Mason as an alternative means to bring the lower and main body parts of Dunagin towards one another.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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12. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

13. This action is **NON-FINAL**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Bradley Bennett whose telephone number is 571.272.2237. The examiner can normally be reached on M-TH 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on 571.272.2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


G. Bradley Bennett
Primary Examiner
Art Unit 2859

gbb
28 DEC 2004